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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,351	10/29/2003	Kenneth F. Buechler	36671-716.302	7522
80984	7590	02/05/2009	EXAMINER	
Inverness Medical Innovations / WSGR Wilson Sonsini Goodrich & Rosati, P.C. 650 Page Mill Road Palo Alto, CA 94304			ALEXANDER, LYLE	
			ART UNIT	PAPER NUMBER
			1797	
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			02/05/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* KENNETH F. BUECHLER

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Appeal 2008-3411  
Application 10/697,351  
Technology Center 1700

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Mailed: February 4, 2009

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Before DALE M. SHAW, *Chief Appeals Administrator*  
SHAW, *Chief Appeals Administrator*.

ORDER DISMISSING APPEAL

On January 25, 2007, Appellant filed a Notice of Appeal. On August 5, 2008, Appellant filed a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114. The RCE will be treated as a request to withdraw the appeal.

Appeal 2008-3411  
Application 10/697,351

Accordingly, the appeal in this application is dismissed.

If there are any questions pertaining to this dismissal, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DMS/lis

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